

## REMARKS

This paper is submitted in response to the pending Office Action mailed on a October 4, 2005. Because this response is submitted with a certificate of mailing in compliance with 37 C.F.R. §1.8 on or before the shortened period for reply set to expire on **January 4, 2005**, this amendment is timely filed.

### I. STATUS OF THE CLAIMS

Prior to this Response, claims 1 to 22 were pending and at issue. By this response, claims 1, 4, 8, 9 to 15, 18 and 19 to 22 have been amended. No claims have been canceled, and no new claims have been added. Applicants submit that no new matter has been added through these amendments. The Office Action indicates on page 5 that claims 6 to 8, 10, 16 to 18 and 20 contain objected to, but allowable subject matter. Applicants respectfully note that claim 6 and 16 are independent claims, thus Applicants submit that claims 6 to 8 and 16 to 18 are allowable. Applicants have rewritten claims 10 and 20 in independent form, and thus these claims are submitted to be allowable.

Applicants enclose a check in the amount of \$400.00 for the fees set forth in 37 C.F.R. §1.16(h). While Applicants believe that no additional fees are due in connection with this application, Applicants respectfully request that **Deposit Account No. 02-1818** be charged for any fees deemed owed during the pendency of this application, excluding the issue fee.

### II. CLAIMS REJECTIONS

The Office Action rejects claims 1 to 5, 9, 11 to 15, 19, 21 and 22 as anticipated<sup>1</sup> by U.S. Patent No. 6,491,223 to Longacre, Jr., et al. ("Longacre"). Applicants respectfully traverse the rejections based on *Longacre*, because *Longacre* fails to disclose a repeatedly or continuously sensed sensor effective area and a program performed in response to one of the sensed IDs. In particular, amended claims 1, 9, 11, 19, 21 and 22 generally recite a sensor configured to continuously

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<sup>1</sup> "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). The elements must be arranged as required by the claim, but this is not an *ipsissimis verbis* test, i.e., identity of terminology is not required. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

sense a sensor effective area and for detecting at least one object positioned within the sensor effective area and an information processing unit configured to receive the first at least one ID and perform a program corresponding to the received at least one ID. In other words, a sensor senses the ID of an object when the object is located within a continuously scanned sensor area, and then executes or changes a program such that the program corresponds to the sensed ID.

*Longacre* does not disclose, or even suggest, an information processing apparatus or method as recited by any of the pending claims. *Longacre* simply discloses an autodiscriminating optical reader that decodes both 1D linear bar codes and 2D matrix bar codes. In particular, when the optical reader is manually or intermittently activated using the finger actuatable trigger, a processor executes a selected 1D or 2D decoding program in an attempt to decode the information contained within either a 1D linear bar code or a 2D matrix bar code. Thus the selected decoding programs are utilized to determine the information contained within the bar code and **not** to determine and perform a program that corresponds to the information contained within the bar code, as recited by the claims at issue.

Moreover, Applicants submit that the *Longacre* does not disclose or suggest that the decoding programs are switched or executed in response to a change in ID (or bar code) detected by sensor and determined by the information processing unit. Rather, the device of *Longacre* simply executes the decoding programs in a predefined order until the 1D and 2D bar codes are decoded or the user manually selects a new decoding program to be executed by the processor.

Applicants further submit that it is evident from FIGS. 4A to 4I and 5A to 5C, that the optical reader is a manual reader that scans a bar code in response to an activation signal provided when a user depresses the finger actuatable trigger. Thus, the bar codes are scanned intermittently as opposed to the continuous scan sensing of a sensor effective area as recited by the claim at issue. Because the claimed apparatus and method continuously monitors the sensor effective, any change or modification of the object or bar code is automatically detected and does not require the user intervention or recognition as does the reader of *Longacre*.

Because *Longacre* fails to disclose, or even suggest a sensor configured to continuously sense a sensor effective area and for detecting at least one object positioned within the sensor effective area and an information processing unit configured to receive the first at least one ID and perform a program corresponding to

the received at least one ID, *Longacre* cannot anticipate or render obvious claims 1 to 22.

### III. CONCLUSION

For the foregoing reasons, Applicants respectfully request withdrawal of the pending rejections and submit that the above-identified patent application is now in condition for allowance and earnestly solicits reconsideration of same. The Examiner is respectfully requested to contact the undersigned if he can assist in any way in expediting prosecution of this application.

Respectfully submitted,

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